

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building, 4TH Floor
Des Moines, Iowa 50319
eab.iowa.gov**

CHARLIE E PANKRATZ

Claimant

: **APPEAL NUMBER:** 23B-UI-02668

: **ALJ HEARING NUMBER:** 23A-UI-02668

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: **EMPLOYMENT APPEAL BOARD
DECISION**

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SECTION: 10A.601 Employment Appeal Board Review

DECISION

FINDINGS OF FACT:

The notice of hearing in this matter was initially mailed March 14, 2023 for a hearing scheduled on March 29, 2023. A subsequent notice was mailed March 15, 2023 for the same hearing scheduled on the same day, but a different time. All in all, the Claimant had received twelve different notices showing twelve differing start times. The Claimant was confused about the start times. When he attempted to gain access to the hearing, no one joined the call.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 10A.601(4) (2019) provides:

4. Appeal board review. The appeal board may on its own motion affirm, modify, or set aside any decision of an administrative law judge on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence, or may permit any of the parties to such decision to initiate further appeals before it. The appeal board shall permit such further appeal by any of the parties interested in a decision of an administrative law judge and by the representative whose decision has been overruled or modified by the administrative law judge. The appeal board shall review the case pursuant to rules adopted by the appeal board. The appeal board shall promptly notify the interested parties of its findings and decision.

Here the Claimant did not participate in the hearing due to being confused after receiving multiple notices indicating multiple start times for his hearings. His attempt to gain access was unsuccessful because he apparently called after the start of one of the scheduled hearings. This impeded his ability to gain access to any of the hearings. Based on this circumstance, we find the Claimant has provided good cause for his confusion and subsequent nonparticipation. For this reason, the matter will be remanded for another hearing before an administrative law judge.

DECISION:

The decision of the administrative law judge dated March 30, 2023 is not vacated and remains in force unless and until the Department makes a differing determination pursuant to this remand. This matter is remanded to an administrative law judge who shall conduct a hearing following due notice. After the hearing, the administrative law judge shall issue a decision which provides the parties appeal rights.

Please note the way you appear at the hearing has changed. When you receive the Notice of Hearing, please read and follow the instructions carefully.

James M. Strohman

Ashley R. Koopmans

Myron R. Linn

AMG/fnv